



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Lee Brady, Commissioner
Department of Banking
Austin, Texas

Dear Mr. Brady:

Opinion No. 0-2718

Re: Construction of the \$5000.00
advance appropriation for
the Banking Department under
S. E. 427, 46th Legislature,
1939.

Your request for an opinion with respect to the
above subject matter is as follows:

"Your attention is directed to the follow-
ing part of the rider attached to the appropria-
tion for the State Banking Department in the
General Appropriations Bill enacted by the 46th
Legislature:

"There is hereby appropriated to the Bank-
ing Department the sum of \$5,000.00 each year
of the biennium 1939-1941, for the purpose of
paying the items above listed for the period
beginning September 1, 1939 and ending January
31, 1940 and for the period beginning Septem-
ber 1, 1940 and ending January 31, 1941; pro-
vided, however, said appropriations are to be
repaid to the General Revenue Fund of this
State out of the fees collected by the Banking
Department."

"A question has been raised as to whether
or not the \$5,000.00 loan provided for under
this paragraph of the rider is a loan for the
Banking Department as a whole or to some par-
ticular division of that Department. Until
this question has been settled the Comptroller
will be unable to set up his accounts for this
Department.

"Obviously, it seems to me, the \$5,000.00
advance is made for the purpose of enabling the

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Department to operate during the early months of the fiscal year before fees have been collected in substantial sums. In the light of the above, I respectfully submit the following question:

"Is the \$5,000.00 advance provided for limited in its use to any particular division of the Banking Department, or may it be used in such amounts as may be necessary for the maintenance and operation of the Department as a whole?"

Your interpretation of the Act, as disclosed by your letter, is, in the opinion of this department, the proper one.

It follows that your inquiry should be answered to the effect that the item thus advanced may be used in such amounts as may be necessary for the maintenance and operation of the department as a whole.

Very truly yours

ATTORNEY GENERAL OF TEXAS

By

Ocie Speer
Ocie Speer
Assistant

OS-MR

APPROVED SEP 10, 1940

Gerald W. Mann

ATTORNEY GENERAL OF TEXAS

